



Appeal Decision

Site visit made on 25 February 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/Q3115/W/19/3242047

Hallmark House, Station Road, Henley-On-Thames RG9 1AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Duncan Crook (Ressance Limited) against the decision of South Oxfordshire District Council.
 - The application Ref P18/S2362/FUL, dated 9 July 2018, was refused by notice dated 25 September 2019.
 - The development proposed is an extension to an existing building (benefitting from PDR B1 to C3 under P18/SO840/PDO) to provide 5 additional residential apartments.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For the sake of clarity, the development relates to an office building known as The Hub, part of Hallmark House. The appellant has confirmed that the proposal would be for 5 and not 6 residential units as originally detailed in the planning application. During the determination of the planning application, the proposal has been amended through reducing the size of the proposed extension and revising external alterations to the building. The appeal is based on these amended plans and documents.

Main Issues

3. The main issues are the effects of the proposal on (a) the character and appearance of the area, having regard to the setting of listed buildings and the Henley Conservation Area, and (b) the living conditions of the occupiers of neighbouring residential properties, having regard to outlook, privacy, light and disturbance.

Reasons

Character and appearance

4. The Hub is three storey with pitched roof above, containing accommodation served by roofed dormers, and dates back to the 1980s. It replaced the old railway station built in 1857 which was relocated nearby. The existing building has two storey cantilevered bays that project out at first and second floor levels on three elevations, including onto Station Road and the approach road to the new railway station. Externally, it is constructed of dark coloured brick and tiles. The building has little architectural merit and contributes minimal

interest to the character and appearance of the area. A prior approval for the change of use of the building from offices to residential apartments has been granted. Diagonally opposite The Hub, the striking Imperial Hotel forms the focus of flanking ranges of five building either side. All of these are grade II listed and lie within the Conservation Area (CA).

5. Imperial Hotel and its ranges are extravagantly detailed with architectural features, details and materials, including a mixture of brick, light-coloured render and timber boarding. They have projecting bays, jettied out floors and conspicuous chimneys. Within the appellant's revised Design and Access Statement (DAS), the style is described as richly ornamented Domestic Revival in the 'Old English Manner', with much 'Jacobethan' ornament and decorative half-timbering. The hotel is four storeys with a broad and high level triangular gable jettied out, bays and a grand central ground floor entrance with steps. The ranges are three storeys alternating with lower two and half storey elements.
6. Historically, the listed buildings were built in 1887 and are part of the important 19th century expansion of the town resulting from the coming of the railway and Henley's development as a riverside destination. The former railway has now been removed but nevertheless, the buildings inform the understanding of how Henley developed and are a principal landmark within the town. In this regard, the rich architecture gives prominence to the hotel and its ranges in a location opposite the former railway station. They are buildings designed to be noticed which would have made an impression for travellers entering and leaving the former railway station. Consequently, their architectural and historical qualities are of value and importance, and of special interest. Such significance can be appreciated in views along Station Road in either direction and from the approach road to the new railway station.
7. The CA comprises a range of architectural styles but the main architectural periods of influence are Georgian and Victorian. The built form generally ranges from two to four storeys under both pitched and flat roofs, and there is little consistency in terms of ridgelines, eaves heights and roof pitches. Nevertheless, many of the buildings, particularly at corner locations, such as the Imperial Hotel and its ranges, Reading Road, Duke Street and Market Place have prominent architecture. Such buildings serve as landmarks within the CA. Such architectural and historical qualities contribute to the significance of this heritage asset, its value and importance, and are of special interest to it.
8. Outside of the CA, on the appeal site side of Station Road, there is a range of mid to late twentieth century and Edwardian style buildings. Within this area, Imperial Court is a modern traditional style block of flats which faces The Hub on the other side of the railway station approach road. On the riverside flank of The Hub, 18 Station Road is a two storey building with a substantial mansard type roof above and beyond this lies Newgate Court, a post war three storey flatted building.
9. The proposed extensions and alterations would result in a modern contemporary building with a vertical emphasis, designed to reflect the rhythm of the buildings at 15-41 Station Road. Its height would be lower than the highest part of the Imperial Hotel. Re-modelled fenestration and bays, along with recessed elements behind, would be extended upwards to create an expanded third floor. The additional top floor above this would be stepped

back from the extended floor below and would be constructed in dark zinc seam material compared to the redder brick of the building. Vertical architectural timber fins of varying lengths, in between bays, would further emphasise the rhythm. They are designed to provide a relief from the formality of the elevation and would reflect the random nature of organic features in the street scene.

10. However, the extended building would form a bold rectilinear form, and the remodelling and extensions would result in a considerable upward extension of the walled façade of the building where there would have been a hipped sloping pitched roof previously and airspace. In approaching the development from either the river or in the other direction towards the river, the DAS photomontage of the existing and proposed extended building would show a far greater mass at third and four floors in proximity to Nos 15-41. As illustrated in section 5.5 of the DAS, the upward extension of the façade would be above the bottom of the gable of the Imperial Hotel, a noticeable feature of it. The overbearing impact of the extended building would be especially evident in closer views around an area of amenity space to the north of The Hub.
11. As a result, the extended building would visually compete with the architectural and historical interest of the Imperial Hotel and its ranges. Additionally, windows would also be of considerable height and width, with a roughly floor to floor expanse. The windows would have transoms to marry up with those at Nos 15-41 and break up their expanse. However, this does little to detract from the imposing nature of these large glazed expanses and this would further emphasise the dominant nature of the extended building.
12. The Hub does lack architectural merit but it is a non-descript building with articulation of its massing at 3rd floor. In this way, it does not overly dominate its surroundings including Nos 15-41, the setting of the listed buildings and the CA. Conversely, the extended building would detract attention away from what are intended to be landmark buildings for the reasons indicated. Therefore, the proposal would adversely affect, in a significant way, the setting of these buildings and the CA. Similarly, the extended building would adversely affect the character and appearance of the area outside of the CA, particularly in views along Station Road from its river end, where its largely unarticulated massing would appear above 18 Station road.
13. As the Framework indicates, when considering the impact of a proposed development on the significance of a designated heritage asset, such as a Conservation Area, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. While there is no explicit statutory duty in respect of the setting of a Conservation Area, the Framework is clear that the setting of a heritage asset can contribute to its significance.
14. In accordance with the Framework, the type of harm identified above would be less than substantial. It is necessary that this identified harm is weighed against the public benefits of the proposal. The proposal would regenerate and improve an existing building, boost housing supply, make better use of land and the new residents would have very good accessibility to services and facilities. There would be a New Homes bonus and Community Infrastructure Levy payment. The scheme would enable the provision of a common living room to encourage work/live use. The alterations in the development would

- result in the incorporation of various privacy measures, for instance obscured glazing, limited window openers and external louvres, which would not otherwise be installed with the prior approval granted for the conversion of the The Hub into residential units. However, these benefits must be weighed against the adverse impact on the significance of the Conservation Area.
15. Nos 15-41 are an integral part of the Conservation Area and the development would adversely affect the significance of this heritage asset. Such an adverse impact would be great and permanent. The privacy measures would be of limited benefit because the building already has an office use, with no restriction on hours, and a significant number of façade windows facing neighbouring properties. For all these reasons, the harm to the significance of the Conservation Area would outweigh the scheme's benefits.
 16. For the listed buildings, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. In accordance with the Framework, the type of harm identified above would be less than substantial. As to the Framework's heritage balance of harm versus benefits, the benefits have been detailed. They must be weighed against the adverse impact on the significance of the listed buildings, for which considerable importance and weight is attached. Such an adverse impact would be great over the lifetime of the development. Thus, the harm to the significance of the listed buildings would outweigh the scheme's benefits.
 17. To make effective use of land, the Framework supports opportunities to use the airspace above existing residential and commercial premises for new homes. However, the policy requires the environment to be safeguarded. Furthermore, the Framework states that upward extensions should be allowed where the development would be consistent with the prevailing height and form of neighbouring properties, the overall street scene and is well-designed. Its height would not be consistent with immediately adjacent properties at 18 Station Road or Newgate Court nor would it be well-designed for the reasons indicated.
 18. In conclusion, the development would harm the character and appearance of the area, having regard to the setting of the Conservation Area and listed buildings. Accordingly, the proposal would be contrary to policies CSEN3 and CSQ3 of the South Oxfordshire Core Strategy (CS) 2012, policies CON7, D1, G2 and H4 of the South Oxfordshire Local Plan (LP) 2011 and policy DSQ1 of the Joint Henley and Harpsden Neighbourhood Plan 2012-2027(NP).

Living conditions

19. The neighbouring property at 18 Station Road comprises flats on its upper floors. There is a roof top terrace serving No 18b which abuts the existing building at The Hub. Lower down, there is another terrace serving No 18a which is further to the rear at a lower level and sited away from the common boundary with The Hub. Along the common boundary between the two buildings, the existing pitched roof with large dormers would be replaced with the upward extension of the existing walled façade.
20. In respect of outlook, the terrace of No 18a would be separated by a gap that would prevent any significant overbearing impact. In respect of No 18b, the

upward extension of walling would be stepped back by about a metre from the existing overhanging roof which currently abuts the terrace. On this basis, there would be no significant loss of outlook to the occupants.

21. Turning to privacy, the expanded third floor would have a greater number of windows sited in a position closer to the flats, but the scheme would incorporate privacy measures to prevent any overlooking. At the top floor level, there would be balconies, but they would be above the flats, including their terraces, and would not directly face them. They would also be designed with planted edges. Consequently, viewing from these balconies into the flats, would be difficult and there would be no significant overlooking of these properties.
22. A daylight and sunlight report, based on professionally recognised guidance, shows that light entering the rooms of the flats would be acceptable. Based on my site visit, the extensions would result in a greater mass of development closer to the flats, but they would not be in a direct line of sight of the windows serving them. Thus, there would be no significant loss of light to the occupiers.
23. The proposal would introduce residential activity, but the building has already an office use and such activity would be generally enclosed within the extended building. The top floor balconies would be remote from the flats by reason of elevation and distance whilst the 'Juliet' balconies below would not allow significant outdoor use. As a result, there is no evidence that significant and unneighbourly noise and disturbance would arise.
24. The extended building would face onto the flanks and rear of the flatted buildings at Newgate Court, along with its amenity areas, garaging and parking areas. However, the flats and areas would be located a significant distance away from the development and accordingly, there would be no significant loss of light, outlook, privacy or adverse impact as a result of noise and disturbance. For all these reasons, the development would not harm the living conditions of the occupiers of the neighbouring dwellings. The proposal would comply with policies D4 and H4 (in respect of living conditions) of the LP.

Other matters

25. The Council has been recently required to progress the emerging South Oxfordshire Local Plan through public examination and adoption by the end of 2020. However, this plan is at an early stage of plan preparation and any consideration of its policies would make no material difference to my conclusions on the unacceptability of the proposal before me.

Conclusion

26. Planning permission was recommended to be approved by Council officers and a Design Panel, and this followed negotiations with the appellant. Consideration has been given to the contents of their report on this matter. However, I concur with the Council's ultimate decision in relation to the impact on the character and appearance of the surrounding area for the reasons indicated.
27. Due to this harm, there would be conflict with the identified policies of the CS, LP and NP, and the development plan taken as a whole. Material considerations would not be of sufficient weight or importance to determine

that the decision should be taken otherwise than in accordance with the development plan and therefore planning permission should be refused.

28. For the reasons given above and having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR